

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WAN JIN LEEM,

Plaintiff,

- against -

OK HWAN KIM, 341 SECOND AVE.
FARM, INC., and DOES 1-100,

Defendants.
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07-CV-03116 (JCF)

JOINT PRE-TRIAL ORDER

I. TRIAL COUNSEL

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B. Trial Counsel for Defendants Ok Hwan Kim, 341 Second Ave. Farm, Inc., and DOES 1-100:

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II. SUBJECT MATTER JURISDICTION

- A. Plaintiff:** Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331 and 1337 and 29 U.S.C. § 216. This Court has subject matter jurisdiction over Plaintiff's claims under the Fair Labor Standards Act pursuant to 29 U.S.C. § 216(b) because, during the relevant period, Defendants' employees were engaged in the handling and sale of goods that were produced for or moved in interstate commerce, and Defendants' annual business volume exceeded \$500,000. The Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.
- B. Defendants:** The Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1337 and 29 U.S.C. § 216. The Court has the supplemental jurisdiction pursuant to 28 U.S.C. § 1367.

III. CLAIMS AND DEFENSES

A. Plaintiff's Claims:

1. Failure to pay overtime pay. 29 U.S.C. § 207; 12 N.Y.C.R.R. § 142-2.2.

2. Failure to pay spread of hours pay. 12 N.Y.C.R.R. § 142-2.4.

B. Defendants' Defenses:

Defendants paid \$550 per week as regular hour pay and overtime pay for 66 hour work per week.

IV. JURY TRIAL AND TRIAL DAYS NEEDED

A. Plaintiff:

Plaintiff has not requested a jury trial. Plaintiff estimates that his case-in-chief will require one day.

B. Defendant:

Defendants agree that the case is to be tried by the Court without a jury. Defendants estimate that his case-in-chief will require one day.

V. STIPULATIONS OF FACTS AND LAW

See Exhibit A

VI. LIST OF WITNESSES

A. Plaintiff's Witnesses:

Plaintiff Wan Jin Leem

B. Defendants' Witnesses:

Defendant Ok Hwan Kim (Live)

VII. DEPOSITION TESTIMONY TO BE OFFERED (WITH CROSS-DESIGNATIONS AND OBJECTIONS)

None

VIII. EXHIBITS

"*" indicates an exhibit to which no party objects on grounds of authenticity and

**** indicates exhibit to which no party objects on any ground.

A. Plaintiff's Exhibits:

Kim Deposition Exhibit 6**

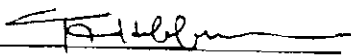
Certified English translation of Kim Deposition Exhibit 6

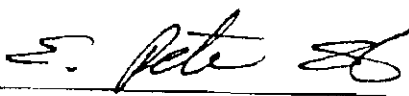
B. Defendants' Exhibit:

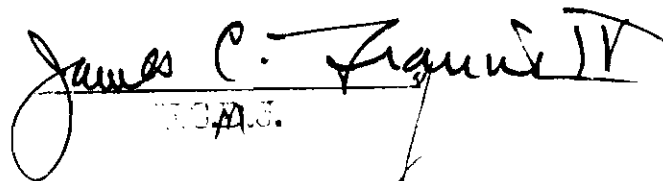
Kim Deposition Exhibit 1*

Dated: January 15, 2008

Respectfully submitted,


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1/16/08